

REMARKS

In the Final Office Action dated February 25, 2003, the Examiner rejected claims 1-26 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,272,281 to De Vos et al ("De Vos") in view of U.S. Patent No. 5,717,281 to Egawa et al. ("Egawa").

By this Amendment, Applicant amends claims 1 and 17 to more appropriately define the invention.

Claims 1-26 remain currently pending.

The Examiner rejected claims 1-26 under 35 U.S.C. § 103(a) as unpatentable over De Vos in view of Egawa. Applicant traverses this rejection for at least the following reasons.

A prima facie case of obviousness has not been made by the Examiner. To establish a prima facie case of obviousness under 35 U.S.C. §103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. (See M.P.E.P. §2143.03 (8th ed. 2001).) Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. Moreover, each of the three requirements must be found in the prior art, and not be based on Applicant's disclosure. (See M.P.E.P. § 2143 (8th ed. 2001).)

Moreover, regarding the rejection made under 35 U.S.C. § 103(a), in view of the applied references failing to teach or suggest all of the claim elements, the Examiner has not met the burden of demonstrating a motivation to make any of the proposed combinations. Furthermore, the Examiner has also not established a reasonable expectation of success. For at least these additional reasons, the above rejection under 35 U.S.C. § 103(a) are improper and the claims thus allowable.

The Examiner alleged that it would have been obvious to modify the teachings of De Vos with the teachings of Egawa. Applicant disagrees because Egawa specifically teaches away from the type of system described by De Vos. In particular, Egawa describes FIG. 1 as having a “bottleneck of a number of processing modules.” (Egawa, col. 2, line 40.) To overcome this bottleneck, Egawa proposes directly connecting the storage medium to the network. (See, e.g., Egawa at col. 3, lines 19-28.) However, De Vos clearly shows a bottleneck type approach that does not directly connect the storage medium to the network. (See, e.g., De Vos at FIG. 1A.) As such, one of ordinary skill in the art would not have been motivated to combine the teaching of De Vos and Egawa. Therefore, the rejection under 35 U.S.C. § 103(a) of claims 1-26 should be withdrawn for at least this additional reason.

Amended claim 1 recites a combination of elements including, *inter alia*, “a massively parallel video server that includes a plurality of processors all having concurrent access to a same set of storage devices for concurrently streaming a massive plurality of video streams.”

The Examiner admits that De Vos fails to teach “a plurality of processors all having concurrent access to same set of storage devices for streaming a plurality of

video streams.” (Final Office Action, page 2.) To attempt to cure the deficiencies of De Vos, the Examiner relies on Egawa at column 1, lines 29-52. (Final Office Action, page 2.) However, a careful reading of the Egawa passage relied on by the Examiner reveals that Egawa is completely silent with respect to “a plurality of processors all having concurrent access to the same set of storage devices for concurrently streaming a massive plurality of video streams.”

In particular, Egawa discloses a server that includes a storage device consisting of a plurality of hard disks, a processing device, and a personal computer. (Egawa at col. 1, lines 30-36.) The processing device comprises a plurality of processing modules that receive a request signal and read video data from the plurality of hard disks in the storage device. (Egawa at column 1, lines 33-42 and lines 48-50.) To process the video data read by the processing device, Egawa funnels data to a personal computer that transforms the video data into a communication format and then transmits the video data through a network. (Egawa at column 1, lines 42-46.) Although the processing device initially accesses the video data in parallel from the storage device, the processing device must serially funnel the video data through the personal computer. (See Egawa at Fig. 1.) Instead of concurrently streaming a massive plurality of video streams, Egawa’s system merely funnels the video data, not a massive plurality of video streams, through a personal computer. Because Egawa uses a personal computer to serially funnel video data, Egawa fails to teach or suggest at least “a massively parallel video server that includes a plurality of processors all having concurrent access to a same set of storage devices for concurrently streaming a massive plurality of video streams.” Moreover, since Egawa’s personal computer has only one processor, a

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personal computer cannot concurrently stream a plurality of video streams, much less a massive plurality of video streams, which suggests more than one or two video streams. Even if multiple personal computers could be coupled together in Egawa's system, the multiple personal computers would be unable to concurrently stream a massive plurality of video streams since each personal computer's processor would act independently from the processors in the other personal computers. Furthermore, if the number of personal computers provided in Egawa's system were to be increased, it would become more difficult (or impossible) to coordinate the personal computers to perform concurrent streaming, especially for a plurality or massive plurality of video streams. For at least these reasons, Egawa fails to teach or suggest a "a massively parallel video server that includes a plurality of processors all having concurrent access to a same set of storage devices for concurrently streaming a massive plurality of video streams," as recited in claim 1. Accordingly, neither De Vos nor Egawa discloses or suggests at least these features. For this additional reason, claim 1 is thus patentable over De Vos and Egawa, whether taken alone or in any reasonable combination. Therefore, the rejection under 35 U.S.C. § 103(a) of claim 1 and claims 2-16, at least by reason of their dependency from allowable claim 1, should be withdrawn.

Claim 17 recites, *inter alia*, a method for delivering interactive multimedia from storage devices to a plurality of subscribers at a subscriber site. A massive plurality of video streams are concurrently streamed from one or more video titles stored in a massively parallel video server that includes a plurality of processors all having concurrent access to the same storage devices. The video streams are transported to a plurality of clients via a high capacity transport system.

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For at least the reasons explained above, De Vos and Egawa, in combination or alone, fail to teach or suggest, at least, "streaming concurrently a massive plurality of video streams from . . . a massively parallel video server," as recited in claim 17. For this additional reason, claim 17 is thus patentable over De Vos and Egawa, whether taken alone or in any reasonable combination. Therefore, the rejection under 35 U.S.C. § 103(a) of claim 17 and claims 18-26, at least by reason of their dependency from allowable claim 17, should be withdrawn.

Accordingly, Applicant respectfully requests that this Amendment under 37 C.F.R. §1.116 be entered by the Examiner. Applicant submits that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that their claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Attached hereto is an Appendix with a marked-up version of the changes made to the claims by this amendment. Deletions appear as normal text surrounded by [] and additions appear as underlined text.

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If there is any fee due in connection with the filing of this Amendment, please
charge the fee to our Deposit Account No. 07-2339.

Respectfully submitted,

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APPENDIX TO AMENDMENT

IN THE CLAIMS:

Please amend claims 1 and 17, as follows:

1. (Twice Amended) An interactive multimedia system, comprising:

a massively parallel video server that includes a plurality of processors all having concurrent access to a same set of storage devices for concurrently streaming a massive plurality of video streams;

a plurality of client devices configured to receive at least some of the plurality of video streams; and

a high capacity transport system for transporting the video streams from the massively parallel video server to the plurality of client devices.

17. (Twice Amended) A method for delivering interactive multimedia from storage devices to a plurality of subscribers at a subscriber site, said method comprising the steps of:

streaming concurrently a massive plurality of video streams from one or more video titles stored in a massively parallel video server that includes a plurality of processors all having concurrent access to the same storage devices; and

transporting the video streams to a plurality of clients via a high capacity transport system.